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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,036	07/30/2003	John J. Giobbi	47079-0107D1	9450

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EXAMINER
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YOO, JASSON H

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,036

Applicant(s)

GIOBBI, JOHN J.

Examiner

Jasson Yoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-34, 36, 41-48, 50-64 and 75-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-34, 36, 41-48, 50-64 and 75-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/2/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

Claims 77-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 77 recites the limitation " the security information" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 78 recites the limitation "the security events" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-9, 11-34, 36, 41-48, 50-64, 75-76, 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven et al. (US No. 5,429,361) in view of Sizer et al. (US No. 5,923,252).

Regarding claims 1, 41, Raven et al. disclose a player tracking system for a gaming machine that displays a wagering game (displays of gaming device in Fig. 1 displays wagering game described in col. 3:68-4:57) wherein data carried on a player's portable data unit is used to access monetary information from the player's monetary account stored at a central host computer, the player's account is associated with the personal identifier; monetary information is transmitted from the central host computer to gaming machine and a game is played on the machine using the transmitted information (Fig. 1-3; col. 1:38-2:3, 10:37-11:62). The portable data unit stores an identifier associated with a player of the gaming machine (cols. 1:38-2:3, 10:37-11:62). The gaming machine encrypts the information obtained from the player's portable data (cols. 3:38-62, 5:9-9:14). Data is encrypted into binary, decimal, hexadecimal, and ASCII code. When the player is not interacting with the machine, the player tracking system enters an "attract mode" wherein promotional messages are displayed (col. 5:15-29). Once the portable data unit is read, the device displays personalized information (Fig. 2). Furthermore, a central host computer (16 in Fig. 3) is remotely coupled to a plurality of gaming machines including the gaming machine (col. 2:37-46). Raven et al. disclose all the features of the listed claims except establishing a wireless link with the portable data unit when the unit with within proximity to the gaming machine, but without inserting the portable data unit in the gaming machine. Regardless,

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as discussed below, this feature would have been obvious to a gaming artisan in view of Sizer et al.

Sizer et al. disclose an audiovisual marking device capable of detecting a portable data unit carried by a person allowing the device to automatically interact with the person within proximity of the device using personalized information contained on the data unit (col. 6:4-17; 16:14-32). For example, at a trade show or exhibition a person may be given an RF card containing information on the person (col. 6:4-17, 16:14-32). When that person approaches a device, the device detects the portable data unit and delivers information to the person, which is personalized according to the identity information contained on the portable data unit (col. 6:4-17; 16:14-32).

The system is directed at the attracting customers to interact with point-of-sale devices at retail establishments and tracking the customer's interactions. A casino is merely a specialized type of retail establishment where the point of sale devices are gaming machines. Furthermore, Sizer et al. disclose acquiring a portable data unit from a data unit provider, the portable data unit including a second wireless transceiver; positioning the portable data unit in proximity to the machine, without inserting the portable data unit into any portion of the machine, to establish a wireless transmission link between the first and second wireless transceivers; and transmitting information between the portable data unit and the machine via the wireless transmission link (col. 6:4-17, 16:14-32). In view of Sizer et al., it would have been obvious to one of ordinary skill in the art of gaming devices to modify the player tracking system disclosed by Raven et al., wherein the machine displays an attract mode to players until it reads information contained on a player's portable data unit and then displays personalized information, to add the feature of

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establishing a wireless link with the portable data unit when the unit is within proximity to the gaming machine, but without inserting the portable data unit in the gaming machine. As suggested by Sizer et al., the modification would increase players' use of gaming devices by initiating personalized attraction displays when players pass within proximity of the gaming device; and at the same time, collecting statistical information on players' interest to increase the effectiveness of future displays (col. 8:6-49, 15:66-16:32, 22:10-36).

Regarding claims 2, 28 and 42, Raven discloses the transmitted information is selected from a group consisting of monetary information, user tracking information, user preferences, preferences, and machine data (col. 3:38-4:61, 10:38-11:46).

Regarding claims 3, Raven et al. describe a data unit provider being a gaming establishment (col. 1:55-57, 10:44-56).

Regarding claims 4, 29, and 43, the system suggested by Raven et al. in view of Sizer et al. describe a portable data unit being a card storing personal identification data. Keys, portable telephones, watches, rings, necklaces, and belt buckle are similar personally carried items known in the art as substitutable means for storing personal identification data for access control systems. Thus, it would have been obvious to an artisan at the time of the invention to modify system suggested by Raven et al. in view of Sizer et al., wherein a player carries a card storing personal identification data, to substitute a portable telephone, a watch, a ring, a necklace, or a belt buckle as the portable data unit.

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Regarding claims 5, 30 and 44, Sizer et al. disclose transferring the information between the machine and a central host computer remote from the gaming machine (204 in Fig. 6).

Regarding claims 6 and 45, Sizer et al. disclose the wireless transmission link is selected from a group consisting of a short range, radio link and an infrared link (col.10:15-20).

Regarding claims 7 and 46, Sizer et al. disclose the first and second wireless transceivers are respective radio microchips (col. 6:4-17; 16:14-32).

Regarding claims 8, 33, and 47, Sizer et al. disclose transmitting information between a user device and a machine using IR and RF transceivers (col. 6:4-17). Bluetooth is a standard data link format using RF transmissions usable for the same purpose as IR and RF. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Sizer et al., wherein data is transmitted between a patron's portable data unit and a machine using an RF data link, to substitute Bluetooth in order to exchange data between the devices using a standard datalink format to reduce engineering costs.

Regarding claims 9, 34, and 48, Raven et al. disclose authenticating the transmitted information (col.10:44-54). Information is authenticated using the player's PIN.

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Regarding claims 11, 36, and 50, Raven et al. describe correcting errors in the transmitted information (col. 5:42-47). The system detects and corrects errors by performing a Check Sum and retransmitting if the test fails.

Regarding claims 12 and 51, Sizer et al. disclose the transmitted information includes a personal identifier, and further including transmitting the personal identifier from the gaming machine to a central host computer, the central host computer being remote from and linked to the gaming machine (col. 6:4-17; 16:14-32).

Regarding claims 13, 31 and 52 Sizer et al. disclose transmitting centralized information from the central host computer to the machine (Fig. 5; col. 6:12-15).

Regarding claims 14 and 53, Raven et al. describe centralized information being selected from a group consisting of monetary information, award information, and game customization information (col. 3:38-4:61, 10:38-11:46).

Regarding claims 15, 18, 54, and 56, Raven et al. describe accessing monetary information including an account balance in a player's account at a central host computer associated with the personal identifier (col. 10:38-11:62).

Regarding claim 16, Raven et al. describe adding a number of credits to the gaming machine no greater than the account balance (col. 10:38-11:62).

Regarding claims 17 and 55, Raven et al. describe game customization information adapts the gaming machine to at least one of player preferences and casino preferences (col. 3:38-4:61).

Regarding claims 19 and 57, Raven et al. describe transmitting centralized information from the central host computer to the gaming machine, the transmitted centralized information being determined by the account information (col. 10:38-11:62).

Regarding claims 20 and 58, Raven et al. describe monetary information corresponding to a number of credits, and further including adding the number of credits to the gaming machine (col. 10:38-11:62).

Regarding claims 21 and 59, Raven et al. describe player tracking information is selected from a group consisting of a personal identifier and game play data (col. 1:51-2:3; 7:51-8:25).

Regarding claims 22 and 60, Sizer et al. disclose positioning the portable data unit in proximity to the gaming machine includes positioning the portable data unit within a predetermined distance of the gaming machine for at least a predetermined period of time (col. 2:29-3:16).

Regarding claims 23 and 61, Sizer et al. state that the detection distance may be to a maximum distance of between 0.5 and 10 meters, according to the operators preferences (col. 6:25-31, 11:43-12:10). Thus, it would have been an obvious design choice for one of ordinary skill in the art at the time of the invention to modify the systems disclosed by Sizer et al. to set the predetermined distance to no greater than about three feet to detected people within range of the device.

Regarding claims 24 and 62, Sizer et al. state that the period of time a user must be detected is adjustable according to the operator's preferences (Fig. 3; col. 3:1-16, 12:18-13:44). Thus, it would have been an obvious design choice for an artisan at the time of the invention to modify the system disclosed by Sizer et al. to set the predetermined period of time to at least five seconds to direct messages at people who show interest in the device.

Regarding claims 25 and 63, Sizer et al. disclose the first transceiver is disposed proximate a front center portion of the machine (Fig. 2; col. 3:58-67, 9:61-10:21, 10:43-50).

Regarding claims 26 and 64, Sizer et al. state that the transceiver may be positioned anywhere offering a clear view of the area to be detected. *See fig. 2; col. 3:58-67, 9:61-10:21, 10:43-50.* Thus, it would have been an obvious design choice for an artisan at the time of the invention to modify the system disclosed by Sizer et al. to dispose the transceiver at a height proximate to a height of a waist of an average standing person to detect people of different heights.

Claims 27, 79, 80, Raven in view of Sizer teach a system and method of transmitting player's gaming information from a host computer to the player's gaming machine, using a wireless portable data unit as discussed above. Raven in view of Sizer teach the portable data unit is used to market to the player, based on the player's preferences (the portable data unit and delivers information to the person, which is personalized according to the identity information contained on the portable data unit; Sizer, col. 6:4-17, 16:14-32). The portable data unit stores an identifier associated with a player (Raven, cols. 1:38-2:3, 10:37-11:62), and provides the casino operator with player's game preferences, casino preferences, and gaming machine data (Raven, col. 11:63-68) by accessing the host computer information (Raven, Fig. 3).

Regarding claim 32, Sizer et al. disclose the centralized information is determined at least in part by the information transferred from the gaming machine to the central host computer (Fig. 6).

Regarding claim 75, Raven in view of Sizer teach the casino preference include information selected from a group consisting of a hold percentage (Raven, col. 4:7-16), a complimentary award rate (Raven, col. 4:44-48), a complimentary award limit (4:49-51), and game eligibility (cols. 4:53-57, 3:64-4:61, 6:32-33, 7:51-56, 8:14-35, 11:63-66).).

Regarding claim 76, Raven in view of Sizer teach the gaming machine data include information selected from the group consisting of a gaming machine identification, the number

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of coins played, the number of coins in the gaming machine, the number of coins paid out by the gaming machine, the number of games played on the gaming, and security information (Raven cols. 3:64-4:61, 6:32-33, 7:51-56, 8:14-35, 11:63-66).

Claims 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raven et al. (US 5,429,361) in view of Sizer et al. (US 5,923,252) as applied to claim 27 above, and further in view of Sarbin et al. (US 5,179,517).

Regarding claims 77-78, Raven in view of Sizer teach a system and method of transmitting player's gaming information from a host computer to the player's gaming machine, using a wireless portable data unit as discussed above. The portable data unit is used to market to the player, based on the player's preferences (the portable data unit and delivers information to the person, which is personalized according to the identity information contained on the portable data unit; Sizer, col. 6:4-17, 16:14-32; Raven, cols. 6:32-33, 7:51-56, 8:14-35, 11:63-66). The portable data unit also includes security information accessed from the central host computer (Raven, cols. 10:40-11:40). However, Raven in view of Sizer does not specifically teach the security information includes information selected from the group consisting of the number of door openings of the gaming machine, the number of coin hopper jams in the gaming machine, the number of blackouts experience by the gaming machine, and a predetermined number of previous security events, wherein the security events include tilts and illegal pays. In an analogous art to portable data units used to associate player's gaming information, gaming devices, teach a portable data unit, used to access gaming machine security data, such as the

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number of door openings of the gaming machine, the number of coin hopper jams in the gaming machine, the number of blackouts experience by the gaming machine, and a predetermined number of previous security events, wherein the security events include tilts and illegal pays (col. 8:26-68). The access of security data from the player's portable data unit, allows gaming operators to easily monitor multiple individual players, and prevents player from cheating (cols. 1:39-3:15, 8:26-67, 9:36-59). Therefore it would have been obvious in one skilled in the art at the time the invention was made to modify Raven in view of Sizer's method of communicating with a gaming machine, and further incorporate Sarbin's security information, in order to provide casino management with valuable security information regarding card usage (cols. 8:60-67, 9:36-59), monitor multiple individual players, and prevent players from cheating.

### ***Response to Arguments***

Applicant's arguments filed 5/2/06 have been fully considered but they are not persuasive.

Regarding claims 1, 41, applicant argued the conversion of data into binary, decimal, hexadecimal, and an ASCII format is not considered encryption. However, in the broadest reasonable interpretation, it is understood to one skilled in the art that the conversion of data into binary, decimal, hexadecimal, and an ASCII format is considered to be encryption. According to the Encarta Dictionary, encrypt means to convert text into code. Conversion from the letter "A" to "101" (octal) is a conversion of text into code.

Regarding claim 27, applicant argued Raven in view of Sizer do not teach accessing from a central host computer from the group consisting of player preferences, game play data, casino

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preferences, and gaming machine data. As discussed above, Raven in view of Sizer teach the portable data unit is used to market to the player, based on the player's preferences (the portable data unit and delivers information to the person, which is personalized according to the identity information contained on the portable data unit; Sizer, col. 6:4-17, 16:14-32). The portable data unit stores an identifier associated with a player (Raven, cols. 1:38-2:3, 10:37-11:62), and provides the casino operator with player's game preferences, casino preferences, and gaming machine data (Raven, col. 11:63-68) by accessing the host computer information (Raven, Fig. 3).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,179,517 teach a portable player-tracking device used to store player's playing preferences. Furthermore, the information within the portable player tracking device is encrypted (abstract, cols. 6:16-44).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read "Colbert", with a stylized flourish at the end.